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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,471	09/23/2003	Charles Zacky	100204658-1	9045

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EXAMINER
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BLACKWELL, JAMES H

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/667,471	<b>Applicant(s)</b> ZACKY, CHARLES	
	<b>Examiner</b> James H. Blackwell	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to an original application filed 09/23/2003 with a priority date of **09/23/2003**.
2. Claims 1-23 are currently pending. Claims 1, 7, 12 and 19 are independent claims.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 of the claimed invention is directed to non-statutory subject matter.

Specifically, Claim 1 can be interpreted as a series of mental/manual steps not requiring a computer or storage media. For example, one can instantiate a template in one's mind. Therefore, Claim 1 is non-statutory under 35 U.S.C. 101.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 5-6, 12, 14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by McCartney et al. (hereinafter McCartney, U.S. Patent Application Publication 2002/0010716, filed 01/29/2001).

**In regard to independent Claim 1 (and similarly independent Claim 12),**  
McCartney teaches *receiving a request to create a first document according to one of a plurality of formats, each format being associated with a template* in that a web server (106) receives HTTP requests from clients (101-104) and, in response to these requests, retrieves content from content database (108). Web server (106) determines which one of a plurality of XSL stylesheets to use based on at least one client capability (implying a particular formatting, see Pg. 2, Paragraph [0025]). After retrieving the content and the XSL stylesheets, web server (106) merges the content and XSL stylesheet into one or more documents, such as one or more XHTML documents, that may be transmitted to one or more of the plurality of clients (101-104) (Pg. 2, Paragraph [0020], Fig. 1).

McCartney also teaches *determining whether the template corresponding to the requested format is stored in a memory* in that at step (605) (Fig. 6), the system determines whether the XSL and XML documents that correspond to the request currently reside in cache (memory) (Pg. 3, Paragraphs [0037-0039]).

McCartney also teaches *instantiating, if the template is not already stored in the memory, a template in the memory so that the template is available for future use in creating at least a second document* in that the corresponding XSL stylesheet is not in cache, the XSL stylesheet is retrieved from an associated data store and the system proceeds to step 609. A retrieved XSL stylesheet is maintained in the cache and may cause one or more cached XSL stylesheets to be expunged from the cache (Pg. 3, Paragraph [0039]).

**In regard to dependent Claim 3 (and similarly dependent Claim 14),**

McCartney teaches *retrieving the template; and generating at least one of the first document and the second document using the template* in that at step 403, each record is mapped to one XSL stylesheet. In a preferred embodiment, each record can only be mapped to one stylesheet, but two or more records may be mapped to the same XSL stylesheet. For example, if an administrator has not created an XSL stylesheet that optimizes Internet Explorer 5.0, the 5.0 record may be mapped to a 4.0 record until a new XSL stylesheet is developed (Pg. 3, Paragraph [0033]). This suggests that multiple document can be generated with the same stylesheet.

**In regard to dependent Claim 5 (and similarly dependent Claim 16),**

McCartney teaches *deleting at least one of the template and a pointer to the template from the memory after a predetermined amount of time* in that a retrieved XSL stylesheet is maintained in the cache and may cause one or more cached XSL stylesheets to be *expunged from the cache* (Pg. 4, Paragraph [0039]).

**In regard to dependent Claim 6 (and similarly dependent Claim 17),**

McCartney teaches *the memory is random access memory or cache memory* (Pg. 3, Paragraph [0035], Fig. 6).

**In regard to dependent Claim 18,** Claim 18 reflects the method of facilitating document creation using a template as claimed in Claim 3 (and similarly Claim 14), and is rejected along the same rationale. In addition, it is noted that such a mapping suggests a well-used and normal mechanism whereby stylesheets are applied to

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documents to perform layout and formatting of the document based on the instructions found in the stylesheet.

### Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4, 7-11, 13, 15, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCartney.

**In regard to dependent Claim 2 (and similarly dependent Claim 13),**

McCartney fails to explicitly teach the *instantiating of the template in memory includes: creating a transform factory to create the template; and producing the template using the transform factory*. However, McCartney does teach that at step 402, one or more XSL stylesheets may be created. A separate XSL stylesheet is created for each client capability set that will access information from the system. For example, if a system is intended to support handheld devices, an XSL stylesheet is preferably created that optimizes output for handheld devices. Preferably, a default XSL stylesheet is created that is at least viewable for all possible client capability sets, even if the XSL stylesheet is not optimized. For example, if an XSL stylesheet optimized for handheld devices is not developed, a generic XSL stylesheet for outputting requested information as a text file may be created. This would have suggested to one of ordinary skill in the art at the time of invention to alter McCartney's invention to generate XSL stylesheets automatically when receiving requests from devices for which no stylesheet exists as

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McCartney's invention already has the capability to generate stylesheets based on a lookup table, and therefore would have made the process more functional and hands-off for an administrator, making it useful to modify McCartney's invention to perform the claimed limitation.

**In regard to dependent Claim 4 (and similarly Claim 15), McCartney** fails to explicitly teach that *the template is a compiled XSLT script*. However, McCartney does describe templates written in XSL, of which XSLT is a part, providing the claimed equivalent.

**In regard to independent Claim 7 (and similarly independent Claim 19),** Claims 7 and 19 reflect the method of facilitating document creation using a template as claimed in Claims 1 (and similarly Claim 12), and 2 (and similarly Claim 13), and are rejected along the same rationale.

**In regard to dependent Claim 8 (and similarly dependent Claim 20), Claim 8** (and similarly Claim 20) reflect the method of facilitating document creation using a template as claimed in Claim 4 (and similarly Claim 15), and is rejected along the same rationale.

**In regard to dependent Claim 9 (and similarly dependent Claim 21), Claim 9** (and similarly Claim 21) reflect the method of facilitating document creation using a template as claimed in Claim 5 (and similarly Claim 16), and is rejected along the same rationale.

**In regard to dependent Claim 10 (and similarly dependent Claim 22), Claim 10** (and similarly Claim 22) reflect the method of facilitating document creation using a

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template as claimed in Claim 6 (and similarly Claim 17), and is rejected along the same rationale.

**In regard to dependent Claim 11 (and similarly dependent Claim 23),** Claim 11 (and similarly Claim 23) reflect the method of facilitating document creation using a template as claimed in Claim 3 (and similarly Claim 14), and is rejected along the same rationale. In addition, it is noted that such a mapping suggests a well-used and normal mechanism whereby stylesheets are applied to documents to perform layout and formatting of the document based on the instructions found in the stylesheet.

**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Blackwell  
10/13/05

*William L. Bashore*  
WILLIAM BASHORE  
PRIMARY EXAMINER  
10/17/2005